

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF
RUDOLF ZINK ET AL
INTERNATIONAL APPLICATION NO. PCT/EP 99/06984
FILED: SEPTEMBER 21, 1999
FOR: INDOLIN DERIVATIVES AS SUN
PROTECTION AGENTS
U.S. APPLICATION NO: UNASSIGNED
35 USC 371 DATE: MARCH 29, 2001

Group Art Unit: 1624
Examiner: V. Balasubramanian

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

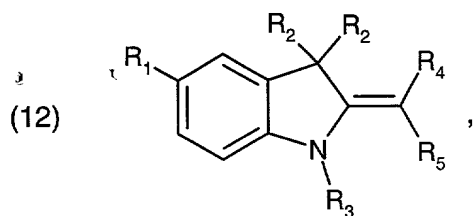
Kindly amend this application as follows prior to calculation of the filing fee and consideration on the merits.

IN THE CLAIMS

Please cancel claims 1-11.

Kindly replace claim 12 by the following claim.

12. (amended) A compound of the formula



wherein

R₁ is hydrogen; C₁-C₅alkyl; C₁-C₅alkoxy; or halogen;

R₂ is C₁-C₅alkyl; C₅-C₇cycloalkyl; C₆-C₁₀aryl;

R₃ is C₁-C₅alkyl or a radical of the formula (1a) ; in which

Hal is halogen;

R₄ is hydrogen; or a radical of the formula (1b) ; and

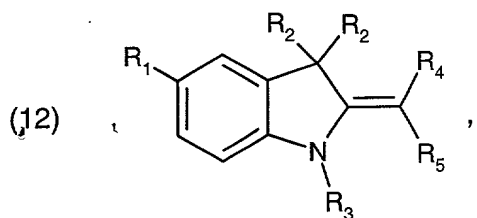
R₅ is C₅-C₁₈alkoxy; a radical of formula (1b); or a radical of formula (1d) ;

in which

R₉ is C₁-C₁₈alkyl.

Please add the following claim.

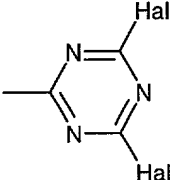
--13. (new) A method of protecting ultraviolet-sensitive organic materials against the damaging action of UV radiation, which comprises applying thereto an effective protective amount of an indoline compound of the formula



wherein

R₁ is hydrogen; C₁-C₅alkyl; C₁-C₅alkoxy; or halogen;

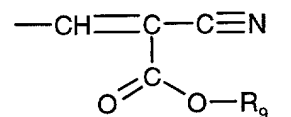
R₂ is C₁-C₅alkyl; C₅-C₇cycloalkyl; C₆-C₁₀aryl;

R₃ is C₁-C₅alkyl or a radical of the formula (1a)  ; in which

Hal is halogen;

R₄ is hydrogen; or a radical of the formula (1b)  ;

R₅ is C₅-C₁₈alkoxy; a radical of formula (1b); or a radical of formula (1d)



in which

R₉ is C₁-C₁₈alkyl.--

REMARKS

Claims 12 and 13 are pending.

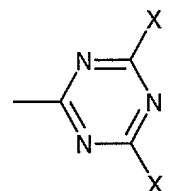
Restriction was required in the parent application. This divisional application is directed to the subject matter of Group II, non-elected in the parent application.

Newly presented method claim 13 is commensurate in scope with compound claim 12.

Claim 12 has been amended by replacement. Another version of the amended claim, showing the changes relative to the previous version, is appended. Additions are shown by underlining. Deletions are shown by strikethrough rather than bracketing since the claims may contain bracketing that is to remain.

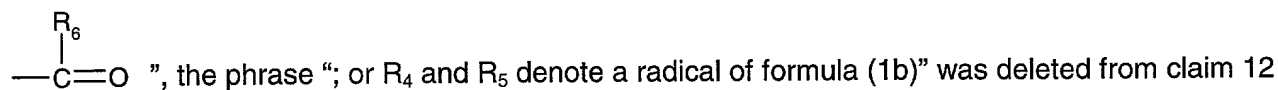
In claim 12 the definition of "Hal" as halogen was inadvertently omitted. Support for this self-evident

definition is found in the definition of R₃ as a radical of the formula (1a)



(page 1, 1 line from the bottom), wherein X is halogen (page 2, line 6). Hence no new matter has been added.

Additionally, since the definitions of both R₄ and R₅ include "a radical of the formula (1b)



and omitted from claim 13 as surplusage.

Applicants aver that the claims are now in better form for examination. An Action on the merits of the claims is respectfully awaited.

Respectfully submitted,

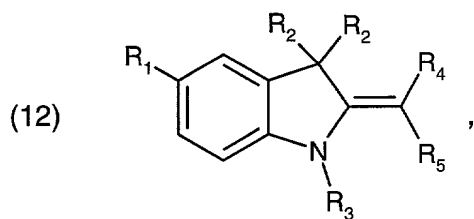
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Marked-up Version of Amended Claim

12. (amended) A compound of the formula

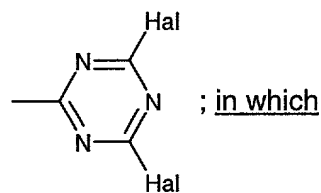


wherein

R₁ is hydrogen; C₁-C₅alkyl; C₁-C₅alkoxy; or halogen;

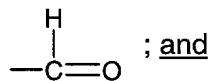
R₂ is C₁-C₅alkyl; C₅-C₇cycloalkyl; C₆-C₁₀aryl;

R₃ is C₁-C₅alkyl or a radical of the formula (1a)

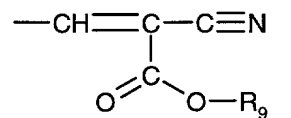


Hal is halogen;

R₄ is hydrogen; or a radical of the formula (1b)



R₅ is C₅-C₁₈alkoxy; a radical of formula (1b); or a radical of formula (1d)



in which

R₉ is C₁-C₁₈alkyl; or

~~R₄ and R₅ denote a radical of formula (1b).~~